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January 30, 2017

Honorable James B. Clarke, III, U.S.M.J.
United States Post Office & Courthouse
1 Federal Square
Newark, N.J. 07102

Re: Winter, et al v Jones, et al – Case No. 2:16-cv-09020 (JMV-JBC)

Dear Judge Clarke:

On behalf of Plaintiffs, we respectfully request an early in-person conference to hopefully expedite, simplify, and make the processing of this matter more efficient and economical for all concerned. We noticed adversary Counsel on January 25th that we would be making this application today and sought their position; but have received neither opposition or approval. Our January 25, 2017 Notice is attached hereto.

We believe the Court's participation, in a collegial in-person conference setting, would be most effective in resolving the following issues, which are set forth exactly as noticed to adversary Counsel:

- A) Set a briefing schedule to encompass all Rule 12 Motions, so as to avoid duplicative effort by all concerned, including the Court;
- B) Discuss the feasibility of integrating Defendants' Rule 12 Motions with Plaintiffs' planned early Motion for Summary Judgment as to liability; and
- C) Discussing the advisability of early mediation proceedings considering the likelihood that Defendants' exposure exceeds their insurance coverage.

Thank you for your courtesy and consideration.

Respectfully yours,

s/David M. Hoffman
David M. Hoffman

DMH/m
CC: via Electronic filing and E-Mail to Counsel
Courtesy original to Judge Clarke

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January 25, 2017

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Re: Winters v Jones – DNJ 2:16-cv-9020 (JMV-JBC)

Dear Counsel:

Please let me know if you object to my requesting a judicial conference in the above matter to:

- A) Set a briefing schedule to encompass all Rule 12 Motions, so as to avoid duplicative effort by all concerned, including the Court;
- B) Discuss the feasibility of integrating Defendants' Rule 12 Motions with Plaintiffs' planned early Motion for Summary Judgment as to liability; and
- C) Discussing the advisability of early mediation proceedings considering the likelihood that Defendants' exposure exceeds their insurance coverage.

Attached with this letter is the letter filed today adjourning the Marcus Zelman Rule 12 Motion to March 6, 2017.

Responding to Mr. Compoli's Rule 11 letter, this will serve to reject the allegations therein and put him and his clients on notice that Plaintiffs' will respond, seek fees incurred in that response and consider appropriate remedies for any RPC violations.

Since my request will be made on Monday, please respond by Friday.

Sincerely yours,
s/David M. Hoffman
David M. Hoffman

DMH/m